



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

SEP - 2 2011

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-133

**CERTIFIED MAIL – 7010 2780 0000 2171 9553**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF VIOLATION**

David Huff  
Aquarius Aquaculture  
2674 Norwood Road  
Hagerman, Idaho 83332

Re: Hidden Springs Fish Hatchery  
NPDES Permit Number: IDG130048

Dear Mr. Huff:

Effective December 1, 2007, the U.S. Environmental Protection Agency (EPA) covered Hidden Springs Fish Hatchery (Facility) under the General NPDES Permit for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads* (Permit), with unique identifier IDG130048. The purpose of this letter is to notify you of violations that EPA discovered after reviewing your administrative files and to transmit the findings of an inspection conducted by Idaho Department of Environmental Quality (IDEQ) on June 22, 2011. The purpose of the inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the Permit.

**REVIEW OF ADMINISTRATIVE FILES**

Part II.A of the Permit specifies that the permittee must comply with the applicable effluent limits in Table 4 at all times, unless otherwise indicated and must sample for total phosphorus (TP) and total suspended solids (TSS). A flow measurement must be taken each time a sample for pollutant analysis is taken; the pollutant limitations that apply to the sample are determined by the flow measured concurrently. EPA has reviewed the discharge monitoring reports (DMRs) from January 2008 to June 2011 and identified effluent limitation exceedances that constitute 92 violations of the Clean Water Act, 33 U.S.C. § 1251 *et seq.* A list of these violations is enclosed (see Enclosure A). In addition, the Facility has failed to properly fill out their DMRs as required by Part II.A. Specifically, the permittee has placed sample results in DMR fields that appear to not correspond with concurrent flow measurements. For example, on the May 2011 DMR, the Facility submitted data for total phosphorus for two different ranges of flow (9.5-18.7cfs and 18.8-28.1cfs+). However during this time, the DMR states that the daily maximum effluent flow submitted was five cfs. Also, the same error occurred

10/14/11  
A

concerning total suspended solids, where the daily maximum flow was five cfs and the data entered was for the range of flow between 9.5-18.7cfs. It is important that the Facility write sample results on the DMR in the location corresponding to the flow for the day in which the sample(s) were taken. These are violations of Part II.A of the Permit.

Part IV.D of the Permit specifies that during the term of this permit, the permittee must prepare and submit an annual report of operations by January 20th of each year to EPA and IDEQ. A copy of the annual report and the data used to compile it must be available to EPA and IDEQ upon request and during inspections. The report must include the information specified in Appendix H. During the review, it was discovered that the Facility has not submitted an annual report for 2008 and 2009. These are violations of Part IV.D of the Permit.

Part V.H of the Permit specifies that the permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part V.B (i.e., DMRs) are submitted. The report must contain the information listed in §V.G.3 ("Twenty-four Hour Notice of Noncompliance Reporting"). During the review, it was discovered that the Facility has violated on a number of occasions and has not submitted a non compliance report. These are violations of Part V.H of the Permit.

Part V.D of the Permit specifies that the permittee must summarize monitoring results, including influent, effluent, and net results, each month on the DMR form (EPA No. 3320-1) or equivalent. The permittee must submit reports monthly, postmarked by the 20th day of the following month. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part VII.E. ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the EPA Region 10 Director, Office of Compliance and Enforcement, with copies to IDEQ. During the review, it was discovered that the Facility has failed to submit DMRs in a timely manner as required by the Permit. This is a violation of Part V.D of the Permit. A list of these violations is enclosed (see Enclosure B).

#### **JUNE 2011 INSPECTION**


The following violation was noted during the inspection:

Part II.F of the Permit specifies that the permittee must develop a quality assurance (QA) plan for all monitoring required by this permit. The QA plan must include maps indicating the location of each sampling point, including receiving water sampling locations and justification for the choice of the sampling location. The location of the small discharges that comprise less than 1% of the total raceway flows must also be included. At the time of the inspection, the inspector noted that the Facility's plan does not include a map(s) of sampling points. This is a violation of Part II.F of the Permit.

Although EPA's goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the Facility. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions which may include monetary penalties to address these and any other violations.

Should you have any questions or comments regarding this letter, please feel free to contact Chris Gebhardt, Compliance Officer, at (206)-553-0253.

Sincerely,

  
Edward J. Kowalski  
Director

Enclosures

cc w/enc: Dave Anderson  
Idaho Department of Environmental Quality  
Twin Falls Office

AJ Maupin  
Idaho Department of Environmental Quality  
Boise Office

Robert Chorney  
Idaho Department of Environmental Quality  
Twin Falls Office



**ENCLOSURE A**  
**PERMIT VIOLATIONS – IDG13004-8**  
**(Hidden Springs Fish Hatchery, DMR Exceedances)**

<b>Month</b>	<b>Pollutant</b>	<b>Effluent Limitation</b>	<b>Value Reported in DMR</b>	<b>Limit Type</b>
August 2008	Phosphorus	1.50 lb/day	2.22 lb/day	Monthly Average
August 2008	Phosphorus	2.20 lb/day	2.22 lb/day	Daily Maximum
May 2009	Phosphorus	3.00 lb/day	30.08 lb/day	Monthly Average
May 2009	Phosphorus	4.50 lb/day	30.08 lb/day	Daily Maximum
November 2009	Phosphorus	6.10 lb/day	7.02 lb/day	Monthly Average



**ENCLOSURE B**  
**PERMIT VIOLATIONS – IDG13004-8**  
**(Hidden Springs Fish Hatchery, Late Submittals)**

<b>DMR Date</b>	<b>Date Received</b>
January 2008	April 24, 2008
February 2008	April 24, 2008
April 2008	July 14, 2008
May 2008	July 14, 2008
July 2008	October 17, 2008
August 2008	October 17, 2008
October 2008	January 22, 2009
November 2008	January 22, 2009
January 2009	July 24, 2009
February 2009	July 24, 2009
March 2009	July 24, 2009
April 2009	July 24, 2009
May 2009	July 24, 2009
July 2009	October 19, 2009
August 2009	October 19, 2009
October 2009	January 21, 2010
November 2009	January 21, 2010
January 2010	April 16, 2010
February 2010	April 16, 2010
April 2010	July 28, 2010
May 2010	July 28, 2010
July 2010	October 20, 2010
August 2010	October 20, 2010
October 2010	January 13, 2011
November 2010	January 13, 2011
January 2011	April 20, 2011
February 2011	April 20, 2011
April 2011	July 22, 2011
May 2011	July 22, 2011

